



**Felix P. Camacho**  
Governor of Guam

**Michael W. Cruz, M.D.**  
Lieutenant Governor of Guam

**Commission Members**

**David J. Matanane**  
Commissioner

**Oscar A. Calvo**  
Commissioner

**Pauline Gumataotao**  
Acting Commissioner

(Vacant)  
Commissioner

(Vacant)  
Commissioner

**Joseph M. Borja**  
Administrative Director

# **Chamorro Land Trust Commission**

**(Kumision Inangokkon Tano' Chamoru)**

P.O. Box 2950 Hagåtña, Guam 96932

Phone: 475-4251 Fax: 477-8082

## **REGULAR BOARD MEETING AGENDA** **Guam Ancestral Lands Commission Conference Room, Anigua** **January 30, 2008; 1pm**

- I. CALL TO ORDER**
- II. APPROVAL OF MINUTES (December 20, 2007 & December 26, 2007)**
- III. PUBLIC COMMENTS**
- IV. UNFINISHED BUSINESS**
  - 1. George Torres – commercial request on Lot 7163, Yigo**
  - 2. Rosario P. Camacho – survey reimbursement request**
- V. DIRECTOR'S REPORT**
- VI. NEW BUSINESS**
  - 1. From Asmuyao Community School – Request for property for construction of a non-profit school**
  - 2. From IConnect – Commercial request for antenna sites in Barrigada and Malojloj**
  - 3. From Attorney General – Requesting information & land in Block 24, Hagatna**
- VII. ADVISORY and ADMINISTRATIVE MATTERS**
- VIII. EXECUTIVE SESSION**
- IX. ADJOURNMENT**







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## **COMMISSION MEETING MINUTES**

**Guam Ancestral Lands Commission Conference Room, Anigua  
January 30, 2008; 1:20pm – 3:32pm**

### **I. CALL TO ORDER**

Meeting was called to order at 1:20pm by Chairman Pro-Tem Oscar Calvo. Present were Commissioner David Matanane, Acting Commissioner Pauline Gumataotao and Administrative Director Joseph M. Borja. Not present was Legal Counsel Ike Aguigui.

### **II. APPROVAL OF MINUTES** (December 20, 2007 & December 26, 2007)

**There were no objections from the Commissioners on approving the minutes of December 20, 2007 and December 26, 2007. MOTION PASSED.**

### **III. PUBLIC COMMENTS**

Anne Garrido – We're here to find out the status on our request for water infrastructure over at Dededo.

The Administrative Director commented at the last meeting the San Nicolas' submitted their request. That request was put together with the other request from Natibu Street with John Acfalle. I believe theirs has not been developed. On the Natibu Street the estimate already came in on the materials but not on the labor cost. On the particular one for Mr. San Nicolas and Ms. Garrido I'm not sure if Mr. Acfalle has met with John Benavente at the last meeting to discuss the details. Mr. Benavente said that if the Commission puts up the \$150,000 estimate up front to develop the system the Consolidated Commission on Utilities would be able to reimburse on a monthly basis a certain percentage of that investment. This is where Commissioner Matanane was asking about easements and things of that matter. So the estimate on that area from Mr. Benavente was \$150,000. That project was bunched together with the other project that came in first, Natibu Street, that only had the materials estimate and not the labor estimate. Mr. John Acfalle of Community Affairs was to work with John Benavente (GWA) to get the labor cost estimate for the Natibu Street so that on those two requests the Commission could have the amount of money it would cost to implement that. Their request came in second and the Natibu Street request came in about 2 or 3 months before them.

Commissioner Matanane commented I am kind of query about this because if we are going to do the contract isn't it that we need to put out an RFP before we even do a new contract?



Chairman Pro-Tem commented I tend to agree with you to put out that RFP. I remember when Mr. Benavente was here he was supposed to talk to his Board members on this issue and to give us an exact amount of what it is. To fork out that money there are also other areas that we need to upgrade water, power and so forth. I am not disputing that we're not going to help you out but also PUAG has to play a role on this too. By saying play a role, we have to meet half way together. It's not just the Chamorro Land Trust that will fork this out. I distinctly remember telling Mr. Benavente that I would want a full report on those issues on the break down cost and labor and so forth. \$150,000 was a given factor number but how do I know that is the real cost on that?

The Administrative Director commented we have it on page 14 of the minutes of December 20, where Mr. Benavente estimated the price to bring water into this area at about \$150,000 and then that was consolidated with the other project on Natibu Street that was missing another estimate on it. Having not proceeded with that when the Commission gets the total amount of those two projects I believe it would be at that time when they'll make a decision on whether to proceed with it and if they do proceed with the project how are they going to proceed with the project. Whether to put an RFP out or to give the money to Waterworks and Waterworks installs the pipes or Waterworks puts the project out to bid. A short answer to your question is we don't know really.

Ms. Garrido commented we met with Mr. Benavente this morning we had a 10 o'clock meeting and according to him that the project is supposed to be coming from Land Trust. That the construction is going to be assigned by the Land Trust people.

Edward San Nicolas commented the contract should be administered by the Land Trust itself, they can help out as far as the specifications. They are more than willing to help out with the specifications. Actually the initiation of the contract should be within the Chamorro Land Trust.

Chairman Pro-Tem commented the last time when I spoke with Mr. Benavente he did not give us that information. We wanted to find out what are really the factoring costs in this. To do this we need to also put out an RFP to go out on a bid because we just can't pick any contractor out there. We have to do it in a legal way.

The Administrative Director commented even before it gets there the Commission doesn't have \$270,000 at this time for infrastructure. The \$270,000 consists of the \$150,000 on this project and a rough estimate of \$120,000 on Natibu Street.

Chairman Pro-Tem commented this is where I feel also that PUAG should also be a part of that project to help us pay that. You are already saying that we don't have \$270,000.

The Administrative Director commented that is the argument that we have. The Commission is going to pay to put the pipes in and then Waterworks is going to be the one making money off it.

Mr. San Nicolas commented actually you would be reimbursed for the money that you guys put in on maybe 5 to 15 years down the road.



The Administrative Director commented and that is what we were trying to work out but Mr. Benavente did not make any commitment at that meeting other than he was going to go back to his Board and get that approval.

Mr. San Nicolas commented that was part of our discussion this morning that he emphasized it that you would be reimbursed as far as the cost is concerned.

The Administrative Director commented that is right. But it's that initial of writing a check of \$150,000 to start the project.

Mr. San Nicolas commented no, actually he said he'll help but you guys should initiate the contract. He'll help you with the specifications, he'll help out finding the contractors. There are so many contractors now that they are ready to go out on a bid.

Commissioner Matanane inquired if Mr. Benavente had indicated why he didn't show up today to give us that information. We asked of him to go back to his board and then come back to us on the feedback.

Mr. San Nicolas commented no, he mentioned that he will be talking to Mr. Borja.

Ms. Garrido commented when he (Mr. Borja) gets back on leave.

Mr. San Nicolas commented I think Mr. Borja is coming in after the 5<sup>th</sup> of next month so he'll be meeting with Mr. Borja in regards to that.

The Administrative Director commented actually a Board meeting like today would have been the perfect time for him to come.

Mr. San Nicolas commented we told him about it but he was so busy.

Ms. Garrido commented we didn't know you (Mr. Borja) were going to be here.

The Administrative Director commented no, not me, the Board. The Board is the one that makes this discussion. It will not be me to say okay, let's go with the \$150,000 project. That is not a decision made by the Director. Mr. Benavente does not need to see me, Mr. Benavente needs to see the Board because they are the ones that are going to make that decision. Even if Mr. Benavente comes to my office tomorrow or when I come back from leave he will be informed to wait until the next Board meeting because the Director doesn't make that decision. There is still decision information that has not come back officially to the Commission which is what is the break? You are saying that he is going to help us on the specifications, I think that is a given we know that, I don't think we have to ask him that he is going to have to help us. As a matter of fact he is not really helping us with that decision what he is saying is that it has to be this. He is not going to say I am going to help you decide whether it's 2 inch or 4 inch he is going to say what it is going to be. So that is the help that he is going to be giving us. The help that we need from him is what is the split? How much help is he going to give us? We're going to put in this infrastructure and then you are going to make money off it selling the water that you pump from right in our land. We need to know that and when you are going to pay us back, what is it? What is the break? Like Commissioner Matanane mentioned and its in the



minutes previously how long is it going to take us to recover that so that we can use that money for other people in other subdivisions. Is it going to be 50 years before we get that back? We don't know those details yet. Mr. Benavente was supposed to come back and give us those details so the Commission can say you know what lets look for the \$150,000 because it may be a good deal but two issues that we have now is he really doesn't need to see me this is a meeting that was published in the paper he should of just come and put it out on the table. Otherwise he is going to see me and then I am just going to say that the Commission is going to have another meeting next month they'll make the decision. Some people have to understand this unlike for example the Land Management Director, his is what they call a line agency. He can make a decision right then and there because he doesn't have a Board. The Director of the Land Trust, I cannot commit \$150,000 on my own, the Commission has to make that decision because they have other people too. For example in your project if there was \$150,000 for your utility project there is another group of people that actually came before you and the Commission has to look out for that. There are two issues on that the decision to do it is the Commission's and how they do it, what's the break, what's the split, how much are we going to be getting back? When someone pays a \$100 water bill like Mr. Matanane said out of that \$100 that goes to Waterworks is Waterworks going to come and say here is your 50 cents or are they going to come back and say they got \$100 bill from your claimant that you guys put in the water pipes for here is \$85, I keep the \$15 for the water and the maintenance, we don't know that, we don't know that split. That is what we are waiting for from Mr. Benavente to come back and say for \$100 that comes in from that client, from that project, from that pipeline here's \$55. We don't know that split yet that is what we were hoping from him.

Ms. Garrido commented we are here to find out but somehow between the lines there each agency is not communicating with each other. With Mr. Benavente or Mr. Acfalle every time we called up it was like we are going to wait for Mr. Borja to come. It just gets so frustrating because they give this property and we can't do anything about it. That's the frustration here. We go out of our way to try and find out and seek help but apparently each agency is saying this. It's like we're hearing the same thing.

The Administrative Director commented we have minutes and we have the record.

Chairman Pro-Tem commented I sympathize with your problem and I know where you are coming from but you have to understand that PUAG also plays a factor on this water. We are only the land holders. They are going to be the ones really profiting out of the Chamorro Land Trust. Like what Mr. Borja said that we need to get what sort of infrastructure we are going to put in there and how much it's going to cost because they have to meet us too half way.

Ms. Garrido commented I understand that.

Chairman Pro-Tem commented and I called that to Mr. Benavente to get with Simon Sanchez to give me some sort of feedback but we haven't gotten that yet. I understand where you are coming from like you are saying the agencies are not communicating well we want to communicate but we have no jurisdiction on what they do up there. So until they actually put in their input and say this is what is going to happen this is how we're going to do it then we can do the process. But for us to just say Mr. Borja give them the



\$150,000 there are legal ways that we have to do that. Trust me I sympathize with you on the frustration, yes we've given you the property but Waterworks too, they have to play a role in this because they also are going to be running the pipes in there and they are just going to be coming in there sitting down and we're doing all the dirty work. I mean like people like you guys to come down to make that frustration I understand that but until such time that the agency really comes down to the point to say that these are the plans and this is what we want to do because we have to share cost on this. They have to put cost too it's not just for one line agency to just take the whole beat. I made that understanding to Mr. Benavente. Now whether he remembers I don't know but I remember and it's in the minutes. It's unfortunate that you had to come down today and there is not much really I can honestly say to you right now to go ahead and approve because I don't know what's Mr. Matanane's intentions are or the other Board member so until we get our facts together then we'll decide.

Ms. Garrido commented so that's after you talk to Mr. Benavente.

Chairman Pro-Tem commented yes.

Ms. Garrido inquired on when is this going to happen.

Chairman Pro-Tem commented well it's all up to him.

The Administrative Director commented I think he said when I come back from leave but I promise you I'll call him on Friday.

Ms. Garrido commented okay, I hope so.

The Administrative Director commented at least to set something up and in all fairness Mr. Benavente is a very accommodating guy. He did spend quite a bit of time last meeting but he had a lot of details that he had to come back to us to finalize.

Chairman Pro-Tem commented he did mention a lot of things that the Chamorro Land Trust would be getting a rebate and all this. But even with the rebate, how much are we going to get back? Is it going to take 100 years? But our grand kids and your kids and generations will be there and that is what we are looking for. I hate to honestly disappoint you at this time but until we get all those facts in.

Ms. Garrido commented but all these facts it's going to take another year for even us.

Chairman Pro-Tem commented I don't know, it could be weeks, it could be months, I don't want to speculate.

The Administrative Director commented it shouldn't because at the last meeting he already came up with the \$150,000 cost now we have to find the \$150,000 cash.

Ms. Garrido commented I even asked Mr. Benavente about how long is it going to take and he said about 30 days.



Chairman Pro-Tem commented he didn't mention to us about the contractual portion that we will be the ones to handle. Yes, it is ours but we also need to also put it out on an RFP to make sure. We don't want to just give it to one contractor and it's a favoritism or whatever. Even for \$100 work we have to put all that out for making sure that is legal. Those things you are going to have to go on a bidding procedure and if three companies come in we have to figure out which is the lowest bidder. These people have to come in there too and bring in all their facts. At this point I can only hope that these people would get together then we can proceed on that issue. For how long I don't want to say 30 days, 60, 90 or 100 days. I don't want to say that because then after 100 days you are going to come knocking here and say you lied to me.

Mr. San Nicolas commented no, we're not going to do that.

Chairman Pro-Tem commented I know what you guys are going through. Trust me I know the frustration but that's the way the government works too.

The Administrative Director commented you are not the first with the Natibu Street people that was probably about 6 months when it first came in.

Mr. San Nicolas commented it is not a matter of frustration that we are in. The matter is we wanted to use the place productively.

The Administrative Director commented as we want you to do. Your successful, we're successful, if you guys mess up we mess up.

Chairman Pro-Tem commented I can easily just tell Mr. Borja okay let's approve it today but we're going against the law on that issue. I sure don't want to be caught in between the law.

Mr. San Nicolas commented oh no, we don't want that.

Chairman Pro-Tem commented I understand where you are coming from. The frustration is you want to start something, you want to build something whether it be farming or building a home and so forth. You feel at this point here I got this piece of property what the heck am I going to do with it, I can't do nothing, I can't get water or power for that matter and that is where you are coming from. But yet you want to build something you want to let something grow or build in a period of time but that can still happen but until we get all this information then that is when we can proceed on the issues. I know it's not one of those you might think ring around the circle because it is not.

Acting Commissioner Gumataotao commented the concern that I have also is what is their contribution to this also and then how long like what Mr. Borja said for us to recover from that \$150,000. That is important. Before the contract is drawn up the agreement has to happen between us and Mr. Benavente.

Ms. Garrido commented okay we understand.

Chairman Pro-Tem commented I suggest if you have the time and effort to go knock on Mr. Benavente's door again and what we have said in this meeting to come from and



maybe in our next board meeting to confront us and then we can start negotiating and then we can start talking. But this thing about knocking doors, one door to another door its like two heads are not getting into one. So until we get all the heads together then we're okay. But we're willing to help you out don't get me wrong. But we have to follow the law too on this.

Commissioner Matanane commented I am surprised that Mr. Benavente is not here on behalf of yourselves that we asked of him at the last meeting. I thought you guys are trying to work it out together and you guys were the ones that sit down with Mr. Benavente, right?

Mr. San Nicolas commented yes, we did.

Commissioner Matanane commented well I was expecting Mr. Benavente here and to give us more information about what their Board said and when and what the percentage is like the Chairman just mentioned. We're not just going to give out anything that really is unethical.

Mr. San Nicolas commented there is one thing that you might be looking into. The property on the east side of the place where we're at is actually the coral pit. So I don't anticipate or I don't know I may be wrong you guys know better than me but I don't think it's anticipated for development 20 years down the road so why put in a 6 inch line?

Chairman Pro-Tem commented that's exactly my question because they have their own rules and regulations over there at PUAG. Even to apply for a small water line on a residential I have a residential that lives down there and this one house they told this lady that she had to run a 6 inch water line and she was the only one living in there. What PUAG is doing right now is you, us rather, we're forking out all these expenses for them. I honestly feel it is not really right too because I am going to put in a 6 inch water line, yes I am going to be getting water from you but the expense too on their part is they are getting freebees because I am going to stretch 2,000 feet or 100 feet of pipe which they should be the ones to be doing it. You apply for the water and as long as you pay for your water bills every month but that's their policy up there. I can't do anything about it. It's people like you guys that can make that change of why do I have to put an 8 inch waterline in there when all I need is a 3 quarter or a 1 inch or whatever.

Mr. San Nicolas commented if you are really looking at development on the east side I don't know that is something to be looked at.

Chairman Pro-Tem commented and we'll have Joe look into that issue.

Mr. San Nicolas commented because if the coral pit is in that area man I don't know who is going to develop that area other than just the coral pit in itself.

Chairman Pro-Tem commented but I know that PUAG has their own set of rules and I know a lot of people even in small residential areas even a home they tell them they have to run so much of a line. The rational reason about that is they are playing it smart because they are saying okay it's going to cost me \$150,000 that's \$150,000 that this agency is going to save let the community spend it, let that person spend the \$150,000.



Mr. San Nicolas commented that is it exactly, it's going to come out from our pocket.

Chairman Pro-Tem commented exactly but why should it be that way that is what I am saying. I have no quarrels with that because until they change their rules and policies. Ours is really easy because it is just the property, the land. The uses of water, power, telephone, things of that nature they ask so much tremendously and maybe this is where also you guys go to the legislature, bark at them.

Mr. San Nicolas commented you guys are pretty good so we're just going to go as far as the Board.

Chairman Pro-Tem commented well at this time we are just going to have to wait until those guys are done.

Mr. San Nicolas commented if I heard correctly you have \$150,000 to share. If you work together I can recommend to GWA as so far as the size is concerned but the say so is you people not us in here. I brought this thing up looking into the east side of that property because I don't see no future development on the east side of that property maybe 20 years down the road because of the coral pit. Land Trust is not giving anybody on that particular side for anybody to stay it is strictly for the coral pit. The thing is why do we need to put in a 6inch?

Chairman Pro-Tem commented that is not our call it has to come from PUAG. They are the ones demanding the 6inch. I honestly truthfully agree with you but it's not our recommendation that is their recommendation and until such time they make that change that is their policy. I can't do anything about it because that is their policy and the only way that you can change that policy is I guess you have to keep knocking on their door or make some noise. But until this time I agree with you why am I going to run in an 8inch waterline when you know that that particular area is not going to have any houses in the next 20 or 30 years for that matter. I understand that, what is their rational reason I don't know. But they are the only ones that can answer that, their board can only be the one to answer. I'm answering for this board for that reason. The water is coming from them not from us we only provide the land. But the cost of it too has to come from them also. We have to share that cost with them. I know it's not the thing for you guys to do but until PUAG, I guess you guys have to go up there or go see the senators and see how you guys can go around that issue because it can be done. That is one way you guys can do.

Jovita Salas requested for a copy of the minutes to give Mr. Benavente just to refresh his memory.

Anne Garrido inquired on when is the next Board meeting.

The Administrative Director commented we usually have board meetings if god willing on the last Wednesday of every month. Sometimes if there is pressing situations they might have one on the third Wednesday but normally the fourth Wednesday of the month and it is publicized.



Josephine Jackson – I am reading this for my husband Danny Jackson. Ask the Board members to find the way how to stop the Department of Chamorro Land Trust to stop giving land to the multimillionaire people. The Chamorro Land Trust is only to benefit the natives of Guam who are Chamorros. It should not be used by Guatali land fill, it should not be used for public school and also it should not be used for Veteran hospital. This kind of wrong doing should be stopped and start giving the land to the Chamorro people because they have been waiting for 13 to 14 years. I went two to three times to a funeral and I meet Chamorro people who ask me when are they going to give them the land. I ask them when did they apply. They tell me that they applied in 95 or 96 and I asked them if they went to Chamorro Land Trust to check and they said yes. Then they ask me where is the office at. I ask them why are they asking me when they said they went down. I told them to go down because they are going to have a meeting today and go in and talk because I don't work for Chamorro Land Trust. Yes, us the Nasion Chamorro pushed this but that is what they want to know when are they going to get the land. I said I don't know when they are going to give you but if you turned in your application then go in and check. This Veteran's hospital I hear that it is Chamorro Land Trust land that they are going to take. I am not too sure if its 45,000 square meters. Do you know? This is by the Dededo Junior High, Untalan Junior High. The Veterans is asking for land to build a hospital. Do you know about that because there is a public law that came out from Senator Frank Blas Jr. that they already found land under Chamorro Land Trust for the Guam Veteran's hospital. That is what we heard in the public and Frank Blas also said in the news last month that they are going to give them.

The Administrative Director commented this is new that we are hearing.

Josephine Jackson commented it was last month that we heard it in KUAM news, Frank Blas Jr. has a bill that is coming out.

Chairman Pro-Tem commented what I heard about the Veteran's hospital and you Mr. Garrido you know you're full aware yes, they are going to build something but from what I understand it's up there at Naval Hospital outside the fence that is what I know. This for the Chamorro Land Trust I have no knowledge of that. That I know because I'm a veteran also and the same thing with you Mr. Garrido and we go to the same place that is the only one that I know. Now is there going to be a hospital in the north I don't know.

Josephine Jackson – That is what we heard and Frank Blas also said in the radio that it is going to up there at Untalan Junior high school.

The Administrative Director commented we are getting mixed up here, Untalan junior high school is in Barrigada.

Josephine Jackson commented I mean Dededo, Benavente Elementary.

The Administrative Director commented I didn't hear Senator Blas but I don't think it's a veteran's hospital. I think what they are looking at is a veteran's housing apartment type complex. I may be wrong. But that is what I understand and I believe it is near the Maria Ulloa Elementary School. That is the one that I heard but it is not a hospital its veteran's housing its near Maria Ulloa. It's Lot 10114 approximately 15 acres but I believe the Mayor has jurisdiction over that for a sports complex or community center or something.



Maybe that bill that you are talking about with Senator Blas maybe that's to transfer jurisdiction but I don't remember it as a hospital, I remember it as a veteran's housing and if I'm not mistaken that's the lot number, 10114.

Josephine Jackson inquired why would they take it from Chamorro Land Trust. Why can't the federal government give these people? I am not against the veterans of Guam.

The Administrative Director commented I think you are asking the wrong forum it's at the public hearing.

Josephine Jackson commented okay I'll check at the public hearing.

The Administrative Director informed Mrs. Jackson that we are processing every application that was filed in 1995. Does that mean that we are processing everybody, no but we are targeting everybody that applied in 1995. When we have the land agents meeting probably the first week of February we'll probably expand that to the first quarter of 1996 which will be January, February and March.

Josephine Jackson commented so when they ask me that is what I will tell them.

Marilyn Santos – I applied for Chamorro Land Trust in 1995, I am the applicant of #589 I believe and I haven't received any land up till today. I've been coming to Chamorro Land Trust to find out the status of my lease and I have met with Mr. Quan several times. I even met with him in November 29, 2007 had him stamp my farm land proposal for farm plan and he stated that I am not allowed more than an acre of land. Is that correct?

The Administrative Director commented depending on your plan.

Marilyn Santos commented well I applied for agricultural land.

The Administrative Director commented the maximum is 20 acres.

Marilyn Santos commented well he told me I wasn't supposed to get more than 1 acre. I did schedule two meetings to meet with the Director, Mr. Borja. I wrote it down with the secretary in the front to try to meet with him since October 2007 and November 29, 2007 and till today I haven't met with the Director until today at this meeting. So my question is when is it that I will be able to get the land that I am requesting? I applied since 1995, my number is 500 something.

The Administrative Director requested Mr. Quan to pull out her file.

Marilyn Santos commented it is under Marilyn Guerrero.

The Administrative Director commented this is the one I believe I just signed it yesterday. The father is Ignacio Guerrero looking up in Barrigada Heights Tract 9, I believe maybe the reason why you can't get 1 acre up there is I don't know that there is 1 acre available. If I'm not mistaken, Tract 9 in Barrigada Heights?

Marilyn Santos commented I know its Lot 21 and 22, I'm not sure what tract it is.



The Administrative Director commented I think those are under your father and your father is going to give that up. Before we give it to you your father's got to fill in the paper works to give it. Without discussing the details for the other people we'll get the file and while Mr. Garrido and Ms. Torres are presenting their case I can be talking with Marilyn. I believe that is why yours could not be processed because the lot that you are getting up in Barrigada Heights, the one that you want 1 acre there is no 1 acre available in that area. Your father was going to give up part of his lot but we cannot process your lease until he gives up his part.

Marilyn Santos commented that is why we were trying to make an appointment with you since October.

The Administrative Director commented I went up to your father's farm a couple of times and he never mentioned it.

Marilyn Santos commented October 2007 and November 29, 2007.

The Administrative Director commented yes the parsley was just growing when I came up there.

Marilyn Santos commented well now it is not just growing it's actually producing and he's selling it to a lot of companies. We go up there every weekend to assist him on his farm. I want to know why and is this true that private companies, developers are getting Chamorro Land Trust land. Are they able to?

The Administrative Director commented yes, they can get it under a commercial license. We have approximately maybe more than 100 but less than 150 maybe.

Marilyn Santos commented but I thought the Chamorro Land Trust land was for the Chamorro people in World War II to give to their descendants to my understanding on the law.

The Administrative Director inquired if Ms. Santos has read the law.

Ms. Santos commented no, not completely but from my understanding the World War II people were supposed to get the land first.

The Administrative Director commented no there is nothing in the Chamorro Land Trust Act about World War II. You will not find those words World War II.

Ms. Santos commented okay.

The Administrative Director commented but your basic question can private companies get property, yes we have that.

Ms. Santos commented also get parcel of Chamorro Land Trust land.

The Administrative Director commented yes.



Ms. Santos commented I believe the general primary intent of the Chamorro Land Trust law primarily is to provide World War II people which are the Chamorro and their descendants the opportunity to get and live together for a meaningful wholesome life for themselves and their descendants. Is that what the Chamorro Land Trust is for?

The Administrative Director commented no, I'm not sure where you got that and I would suggest that you get a copy of the law and the Act and read it and then we can talk about it. It is kind of hard to discuss it if you haven't read it.

Ms. Santos commented okay.

The Administrative Director commented that we'll process it but we do need to talk to your dad.

Ms. Santos inquired if we are going to settle the appointment now. Who do I get the appointment date to settle it?

The Administrative Director commented the appointment would be with your dad.

Ms. Santos commented I can make the appointment now with him so I can let him know about it.

The Administrative Director commented 8:30am, Tuesday, February 5<sup>th</sup>.

Vicente Garrido – If it's not a hundred then its more than a thousand acres of land that the Chamorro Land Trust has distributed out to many businesses and commercial license. Many acres have already been given out and there's still people waiting for their land since 1995. Now we are hearing from the Director that they are now working on the applications back since 1995. If that is the case please make it fast so that the people won't have to wait because if you give first to the private company then there will be no land for the Chamorros who have been waiting since 1995 to the present. Please protect the land of the Chamorros and with all due respect to you please protect and take care of the land. I have encountered many instances for instance the Guam Raceway Park they have more than a thousand acres if I'm not mistaken and all of the coral have been taken over to Hawaiian Rock a lot of coral and Hawaiian Rock is making money out of it. Do you know about that information? Please investigate that because I think it is wrong, it is wrong to us the Chamorro Nation. Many acres also have been taken for schools, plenty. Just the other day in the news there are more than 6 or 7 more schools to be built again and is the land all going to come from the Chamorro Land Trust? Please I beg of you put an end to it. There are many more, another case is the landfill down in Guatali. There again is more than 300 acres to be used. Again with respect I am not trying to insult anybody with this. I will give respect to you but if the name of the Chamorro Land Trust is going to be like this then it is better that we change its name to Chamorro Land Give Commission if we are going to keep giving land other than native Chamorros. You need to look into what Josephine was saying earlier. I am a veteran, anything for the veterans I support but when it comes to take land from the Chamorro Land Trust I oppose. I believe that 15 acres is probably equivalent to 45,000 square meters. The reason why I am saying this is because when I called Senator Blas' office that they are going to interview



him on TV that they are going to build the Veterans Care facility on the other side of Dededo Middle School and when I asked him how big is the land he said 45,000 square meters. I don't know if there is going to be a parade ground and the Veteran's are going to be parading I don't know. But if they are going to have that kind then the veteran's don't have to parade around because we have the Marine Drive they can parade there. Like I said respect the veterans I am a veteran also I have set foot in Vietnam but it has come to a point that is too much. It will be more beautiful if they build the veteran's care facility beside the VA clinic up there that is more appropriate. We the Chamorro Nation will go against this if the bill comes to the legislature. We will go against this bill and we will not support it if they are going to take the land and use it for the veteran's care facility. There is also another man that I met I think he said his name is Benny or Vicente Aquiningoc Mendiola he was telling me that he has land or arrendo in the Guam Race way park area and he had a lot of crops and he was evicted. He was evicted and he was offered to be given another land by the Chamorro Land Trust but nothing up till now and he said he is going with his brother down in Santa Rita. So I can find him somewhere in Agana Boat basin at night playing around resting with friends because at times he is homeless. So if this is true please help this gentleman because he is supposed to be here today but I don't know if he had something else to do or if he's sick. But we are here and we have been talking and we support this person and are concerned about his livelihood. It shouldn't have been like that where they evicted him right away and I know the Director I have respect for him and he has said many times that they will not evict an individual until they find him another place. That is what we as Chamorros understand and that is what the law says in the Chamorro Land Trust Commission. So there is nothing more that I have to say just protect the Chamorro Land Trust Commission look for and service the people that are asking for land for a place for them to live and if its true that there is the coming of the large military buildup this is what is going to break us the Chamorros and our land. I have never supported the massive military buildup on our lands because for me it would be catastrophic for Guam.

The Administrative Director on a side note on Vicente Aquiningoc Mendiola yes, when they were trying to clarify the area there was a Mendiola family. At that time Mr. Mendiola was separated from his wife and if I'm not mistake there was a court order that he cannot be near his wife. But his wife and their family that were living right in the middle of the land where the Guam Raceway Park is at were relocated down further below in Chamorro Land Trust land, south of Ted Nelson but north of Danny Jackson. We'll take a look at Mr. Mendiola specifically because from what I understand his wife and their family were relocated but it's true that I don't remember Mr. Mendiola being relocated. We'll look at it.

Trini Torres – Yes I am part of the Chamorro nation but I also represent the CCRI - Chamoru Cultural Development & Research Institute. I sent a letter to you people thru Joe Borja and we are looking for land to do our programs especially if they have housing in Tiyan or at GMH, house and lot that they can fix and use for the cultural development. This program is to assist our people in their livelihood because we are living dangerously in the verge of being wiped out. So we are trying to hurry this up but just to inform you these are just our people on the board members they are strong people but we are looking for house and lot that you can give us. I have already sent a letter to Joe Borja but I mentioned this because I want it to be an official request. I also sent a letter to Ed Benavente of the Ancestral Lands Commission. If you can send a response to us and give us a map or a lot that we can use. This is a program to find ways to assist our



people. It's a resource to help our people on how to find work, who to ask, where to ask like a charity office because we are at the poor level and we also do scientific research. Please recognize our request and we are waiting for your response or do I have to send a letter to the Commission or with all due respect is the letter to Joe okay?

Chairman Pro-Tem commented its okay with Joe.

Trini Torres – So its good that you can give us an answer and we are ready and we are also asking the historical parks for historical buildings that might be later on in the future a building that they can fix two years from now but they need an office space now.

Chairman Pro-Tem inquired on how much acres do you think you might need. The plans that you are thinking of doing now for the cultural like cultural center is that what you are thinking of doing?

Trini Torres - There is a school that we are planning to teach about our culture.

Chairman Pro-Tem commented so to build a school.

Trini Torres – Yes we are going to open a school but we need an office space. Yes we already have materials that were given by GSA but now we are asking and are begging for a place.

Chairman Pro-Tem requested the Director to follow up on the location.

Trini Torres – We are also looking for an agricultural lot to teach the people how to farm and sell to their produce for their living.

The Administrative Director commented that one is easier to find. But the school site that you are looking at we have competition right now for three educational organizations looking for a school site, technical education, cultural education and then we have general education. As Ben Garrido and Josephine said for schools, we are allowed to do schools that's the good news.

Trini Torres commented for our people not the outsiders

The Administrative Director commented if you can give us a rough estimate on size and location that would help us develop a shorter list.

Trini Torres – So I appreciate this. On another point there are many people that I have met that have told me yes they have applied and are still waiting for the Land Trust. How can the people find out the status is there any kind of information that you can send to tell them that you are working on their application or what else can they do?

The Administrative Director commented they can come down and check.

Trini Torres – Can you put down when you have a meeting to tell the people to just come down?



The Administrative Director commented come down to the office and we'll pull out the files just like we did with Santos. What's the delay sometimes the delay is we are unable to contact them or no forwarding address.

Trini Torres – That's exactly the case can you announce it for them to come in to the office and check on it. If you can announce for the meeting then you can announce for those people to come down to check for them to call or come in because some of our people live way in the jungle and have difficulties coming to the office. We are trusting you to inform them and tell them. They need to hear if their application is okay or if you are still looking into it. It's okay if you can go on the radio and inform the people of the status because most of them are worried now.

Chairman Pro-Tem commented maybe we'll make an exception on this once a month where maybe put out an advertisement.

Trini Torres – That is good the newspaper and radio because the island is listening especially on Saturdays they are listening to Island Girl.

The Administrative Director commented maybe because with the newspaper a one page ad is maybe \$1,800. I'll call up on who ever has a show on Saturday and Sunday. I'll make an effort at least in terms of information on where we're at in processing if the show host will agree.

Trini Torres – That's on the application also you should guard the land. Do you remember when I asked you about Guatali, the name, the land fill why are you leasing it as a landfill when that place is a dirty place. I asked you about 2 years ago where did the land go and there was a response that some land went for a landfill and I said the land should go to the people not for trash.

The Administrative Director commented that nobody here at the table were here back in 2002.

Chairman Pro-Tem commented when the application came in none of us were on the board. But now there is such thing that we have to go with the law, we just can't just budge.

Trini Torres - So if that is the case don't renew the lease. On another matter the veterans and the school, we giving too much land away. Yes some of our people are involved with that program but there are a lot of people that are living on the land that they are giving out. There are very little of our children in the schools and most of them are children of the outsiders. Yes I am a teacher and I know that there are more children from outside. If we are going to keep using the land for schools more outsiders will come in. The land is disappearing and we should give the people of the land first. These veterans, many of them are not our people its okay if they just form Chamorro veterans but if they get together with the general public then it is wrong. We are losing our land and it is for the people of the land. If we lose that then we have nothing.

Vicente Garrido – Where do you stand on bill 198 from Senator Frank Blas on the 45,000 square meters.



Chairman Pro-Tem commented for me I can't say because I haven't seen the bill. You must understand that yes its Chamorro Land Trust but remember the legislature makes the laws over there and if they make the law sometimes it goes their way.

Vicente Garrido- I know what you are saying about the legislature if you can tell them you understand the intentions of the legislature and the VA but if you can tell them that already a lot of land and acres of the Chamorro Land Trust that had been taken for schools and the raceway and if you can take land from Dept. of Land Management instead of Chamorro Land Trust that is all we are saying instead of you saying yes there are plenty of land just go in and take it. You know we are going to go against it and not support it. Instead can you just tell them well Senators I understand where you are coming from but please we have given so many acres of land from the Chamorro Land Trust why can't you try to take this 45,000 acres from the Department of Land Management and that will cover up.

Amparo Guerrero (sister w/Marilyn Santos) – I believe that I had set the same appointments with her (Marilyn) to try to meet with Mr. Borja. It was very hard for us to try to get a hold of him personally. We would like the one to one kind of appointment basis due to our situation. I never received land since 1995 my application has been submitted. I believe I spoke to Mr. Quan the last person that I spoke to and he told me that I was only able to get 1 acre if I was to choose for agriculture. The data that was received I don't believe in that. I did submit all my paper work I believe we have our farm plan and everything else.

Chairman Pro-Tem commented Joe is having a meeting with your sister and inquired from the Director if he can see her also.

The Administrative Director commented we'll have to make it at 8am on Tuesday, February 5.

Amparo Guerrero requested if the Commission could provide her with a copy of the Chamorro Land Trust law and further inquired if private companies are allowed to extend the property line to the Chamorro Land Trust land.

Chairman Pro-Tem commented no because they are encroaching they are not supposed to.

Amparo Guerrero commented okay, no.

Chairman Pro-Tem commented if it's their own lot if you have your own personal lot and there happens to be a Chamorro land next to it and they encroach for whatever reason whether they are going to put a fence or that nature then they are not supposed to because then they are encroaching into Chamorro Land Trust. But in this kind of instance you guys have to get your facts and then make a grievance with Joe and then we can look into it.

Danny Jackson – Joe excuse me but there is something I didn't agree with when you said private businessman can benefit property on the Chamorro Land Trust. That is wrong I



don't agree with that. I can say right now that I cannot read and cannot write but I understand that what you said about the private business man to benefit is wrong and if the Chamorro Land Trust is taking that view then they don't have any worth. They should change the name to International Land Trust Act so that anyone any Tom, Dick and Harry can come in to apply. The beneficiaries of the Land Trust is for the Chamorros who are trusting that the land is for their livelihood but from my understanding since the year 1950 to now all I see is businessmen who benefit from the land. Three months ago I hear a ringing in my ears about Senator Frank Blas has announced on the television that is why I am brining it up now if the Chamorro Land Trust Commission can find a way to tell the federal government to stop asking land from Chamorro Land Trust Commission for the Vietnam vets. I am not prejudice but if you look at what the federal government is doing there are plenty of land that they have condemned without compensation so what more are they asking? There is a lot of land that they condemned here in our island east, west south and north. Us we are right in the middle. The minute the bomb blows up from China or North Korea we all die together. So we might as well kill this department the one that I am a godfather of the Chamorro Land Trust. It seems to me like the roots and the main tree of this tree is falling apart because the juice from the roots have been sucked out by the suckers that are out here. Like I say again any Tom, Dick and Harry can come inside here on this island of Guam. Man Joe, Mr. Director please and the Chamorro Land Trust Commission look at this and look at it good and make the papers upside down if you can't read it so all the dust and the cobwebs will come out. That is why my philosophy is in God we trust in Guam we rust.

#### **IV. UNFINISHED BUSINESS**

##### **1. George Torres – commercial request on Lot 7163, Yigo**

The Administrative Director informed the Commission that he had been contacted by Mr. Torres who is in Hawaii undergoing surgery and wishes that his item be tabled.

##### **2. Rosario P. Camacho – survey reimbursement request**

The Administrative Director commented Ms. Camacho had made this request twice before. Once to the previous Director and once to the entire Board and both times her reimbursement request was denied. I am recommending that we respond again denying and supporting the previous decisions made by the previous Board.

**Commissioner Matanane made a motion to uphold the denial of the reimbursement to Ms. Rosario. Acting Commissioner Gumataotao seconded the motion. MOTION PASSED.**

#### **V. NEW BUSINESS**

##### **1. From Asmuyao Community School – request for property for construction of a non-profit school**

Rand Coffman (Director of Asmuyao) – It's a pleasure to be here among you people again don't let the skin color fool you. I'm representing Asmuyao Community School. We service 75% of indigenous Chamorro students. Right now we're up at Tiyan 421, 423 East Sunset and we've been informed of course that the parkway will be coming through the area. Consequently, we are looking for another location. We've contacted USDA and we are very happy to inform you that we have become eligible through region 9 for a loan/grant if we want to construct in an area that's the most rural area and Hagatna is the



most rural area on Guam. Only 1100 people live in the village and I guess including Anigua. Mongmong Toto Maite is included, Tamuning interestingly enough is also one of the rural areas and of course Umatac. We are pretty much in a situation now where we want to do this. If the Chamorro Land Trust Commission can help with giving a piece of property within the central area I know our students would benefit with the continuation of Asmuyao. We humbly request this not just myself but last year we had 496 students come through our doors and it seems to be a need for the community that we would like to fulfill in helping at risk students if they need help. We're happy to work with the at risk students and we'll let GPSS work with the perfect students. Thank you very much for your considerations if in fact you do see it as a licensed school since 1972. We have been in operation and we want to of course continue throughout the decades to come.

Chairman Pro-Tem commented I know that you did show up a couple of weeks ago at our meeting and you did stress out about this and we have your letter here. Mr. Borja will look into the areas where it's feasible for you to relocate. As far as education I can honestly say that your school has tremendously helped a lot of kids, young kids up there because I've seen it. My son was part of that too. You're right I would say maybe 80% of the students are all local.

Mr. Coffman commented yes we keep a survey of all the students, the ethnicity.

Chairman Pro-Tem commented in reality I do support the school portion of this for the usage to build your school and I think Mr. Borja will get with you or write to you in this nature.

The Administrative Director reminded the Commission that we also have a school request pending a technical school and we've identified 4 potential sites and of course whether the site is good enough for their operation is a decision that the applicant makes. We've identified 4 potential sites, one in Mangilao, two in Hagatna and one in Tamuning for RPM, the applicant. RPM is only looking for one lot so if they pick one out of the 4 then that leaves 3 that might be available for them. But at least at this point what we are looking at is the next applicant in line is Mr. Anderson from RPM for a "school".

Mr. Coffman commented okay.

The Administrative Director commented we'll be meeting with Mr. Anderson probably next week and taking him to show the 3 other lots and then I believe probably Mr. Anderson might take 5 days or a week to make up his mind. Mr. Coffman is pretty clear he is looking for a half acre to an acre in the Hagatna area and I'm sure these other ones might be suitable for him.

Mr. Coffman commented okay, thank you very much.

Chairman Pro-Tem commented you have to understand one thing on the Chamorro Land Trust that the building or the school itself will revert back to the Chamorro Land Trust. In other words you don't own the building at all. You may build the building but in the forthcoming years whether you decide to close down it belongs to the Commission.

Mr. Coffman commented sure.



Chairman Pro-Tem commented the reason why I said that is because the USDA is going to be approving the loan.

Mr. Coffman commented right I did get a copy of the law and that is something I've submitted to USDA and with that information they can make the determination if in fact we would be eligible to get a loan to build.

The Administrative Director commented the license is for 21 years.

Chairman Pro-Tem commented I just wanted to make sure that you understand that.

Mr. Coffman commented sure.

## **2. From IConnect – Commercial request for antenna sites in Barrigada and Malojloj**

The Administrative Director commented that IConnect is an existing licensee for the Chamorro Land Trust and they had a previous site approved by the previous Director but the paperwork was never completed for a cellphone antenna site in Barrigada Heights and another one to replace a previously approved site in Malojloj for another antenna site. IConnect is current in all of its licenses that it has with the Land Trust and the payments have been up to date for all of the antenna sites that they have. I believe we have 4 sites around the island that IConnect is leasing on a monthly basis from the Land Trust. What they are looking at is just confirmation of approval by the previous Director for the Barrigada Heights site and a replacement site of a previously approved lot in Malojloj. So this was previously approved they just want to finish off the paper work.

Commissioner Matanane inquired on what is Lot 360-2-4, on the letter it states that it has to be replaced by another lot.

The Administrative Director commented the one in Inarajan, Malojloj they were given a license for that particular lot in Malojloj however when they went out to the site they did find that the lot was reserved for the Guam Waterworks reservoir tank. It has a water tank on it so they are asking to get the lot across the street from the GWA water tank in Malojloj.

Commissioner Matanane inquired if they are operating that particular lot.

The Administrative Director commented no not yet that is where they are proposing to build their antenna.

Chairman Pro-Tem commented but originally we gave them across the street where the water tank is right? So we are just going to relocate to the other side.

The Administrative Director commented right.

Commissioner Matanane inquired if Waterworks is occupying the lot.

The Administrative Director commented yes Waterworks does have a water tank in Malojloj.



Commissioner Matanane inquired if they had gotten approval.

The Administrative Director commented no because part of the lot is the dump, the quarry so it's not an entirely leveled lot.

Commissioner Matanane commented to replace that you're saying that they have that particular lot approved from here and then Waterworks came in.

The Administrative Director commented I think that portion of the lot that was given to them when it was surveyed they found out that they are on the Waterwork's lot. That was an error on the part of staff assigning that lot to IConnect because it belonged actually to Waterworks.

Commissioner Matanane commented so they were never in that original lot using it.

The Administrative Director commented no they were never on the original lot.

Commissioner Matanane inquired where were they.

Chairman Pro-Tem commented they never built.

The Administrative Director reiterated that they never built because when they went there to build they found out they had the wrong lot so they wanted to come back to make sure that the license has the correct lot number and the map.

Commissioner Matanane commented that he would like to see that agreement between Chamorro Land Trust and IConnect for that particular lot on what they are requesting for and how big and their management. I'm just kind of curious about it I thought that they already had an antennae site already and here comes Waterworks wanting to break it down and wanting to put their lines in there, I don't know.

The Administrative Director commented there are actually 3 antenna towers there, one GTA, one Hafatel and one proposed IConnect. It is a site where the reception is good for that part of the island.

Commissioner Matanane commented I would really want to see how did that happen and if IConnect has been occupying any other lot surrounding those areas or do they have a tower down there.

The Administrative Director commented no, IConnect never had a tower in that area.

Chairman Pro-Tem reiterated again that they were supposed to build a tower but when they went out to survey they found out that the property that was given by the Chamorro Land Trust was also part of Waterworks. So even if they were to build their tower there they would actually be on the cliff side. They are only requesting to go across the street.

Commissioner Matanane commented we want to see how big.



Chairman Pro-Tem commented but they never built their tower. They're wanting to build their tower now but because of the situation for them to build it's not safe. They could probably squeeze the tower in there but it's going to endanger the community in some way during typhoon or storm because they would not build the tower the way it's supposed to be built.

Commissioner Matanane commented what about Barrigada, are they already there?

The Administrative Director commented no, these are two new antennae sites.

Commissioner Matanane commented so they have not established themselves yet. I just thought that probably they are going to renew.

The Administrative Director commented no the one in Barrigada is new that is what the letter says. The one in Malojloj like I said they are asking for a particular one because the one that was previously approved they found out that Waterworks owns that particular lot but in neither of these sites they don't have anything on it now.

Commissioner Matanane commented its only right that they submit their plans and all the details.

The Administrative Director commented nothing is approved on that they are requesting to lease two new sites. Even the one in Malojloj they are asking to lease that one because the one that they got previous approval was Waterworks. They are not claiming automatic approval.

Chairman Pro-Tem commented so the other one that was previously approved would be terminated.

The Administrative Director commented yes.

Commissioner Matanane commented then it's really not a replacement.

The Administrative Director commented it's a replacement in a sense that they would still like to have a site in there.

Commissioner Matanane commented he's not trying to be hard nose about this but to get the details on that, see how many square meters they need and how big a tower.

### **3. From Attorney General – Requesting information & land in Block 24, Hagatna**

The Administrative Director commented the Office of the Attorney General respectfully requests the status of Lot 14NewNew, Block 24, Hagatna. If you're familiar with this area this is the big vacant area next to the Julaje Shopping Center. The area closest to Julaje is private property owned by the Moylan family, the Bill Muna family, the Mike Martinez family and the Nito Cristobal family. The other end of the lot closest to Pedros Plaza half of that area is owned by G.Ricardo Salas and the other area close to the Legislature was licensed to the Historic Preservation Office by the Commission on the Lujan House. This is something that possibly again Trini Torres' application or even Rand Coffman's application might be eligible to do two things fix up that historic site and number two



provide a school site. The middle part of the Block comprising of approximately 3 acres have been divided into 2 lots approximately half acre each on the ocean side and another half acre on the mountain side. On the ocean side one and a half acre was originally proposed for the Guam Housing and Urban Renewal's new office. They went so far as to develop a building floor plan and virtual cd tour of the area.

Chairman Pro-Tem inquired if they are still going to build that, Land Management.

The Administrative Director commented when I was at Land Management my understanding was that GHURA was thinking of pulling out I haven't seen anything official written. They are looking at building the GHURA headquarters down in Asan. GHURA has property there in Asan that is already zoned commercial for them. However, the legislature and the Governor's office would like to keep GHURA down town. There was a bill in the previous legislature I believe in the 27<sup>th</sup> or 28<sup>th</sup> legislature to give fee simple title to GHURA of that lot in Block 24 and the bill did not get passed the public hearing. I believe they had a public hearing on it and bill died in Committee. It was sponsored by Senator Lujan and former Senator now Lt. Governor Mike Cruz on it. I'm not sure about the GHURA side whether they are going to go on that. I haven't seen anything official saying no but I do know it hit a snag at that time because with HUD money to be spent on a facility I think GHURA had to have fee title on it. They had to own it otherwise HUD doesn't want to spend any money on it. I think it is time to write to GHURA to decide because the legislature recently passed a bill and the Governor signed it into law creating the Dept. of Land Management building fund. Land Management stands to receive 1.7 million dollars for the demolition and loss of the use of the old Land Management building in Anigua and in return for demolishing that so that FEMA doesn't have to pay for constant damage FEMA is ready to transfer the 1.7million to GovGuam. However, Land Management and other officials were worried that if they transferred it to GovGuam it might go into the General Fund and then lose that money in the big dark black hole, the general fund. So the legislature and Land Management decided to create a special fund to put that money in as seed money to do the building. We have a meeting coming up with the building committee next Friday, the 8<sup>th</sup> on the building committee. The building is planned for now of 6 floors, 12,000 square foot per floor and the proposed tenants are Dept. of Land Management, Chamorro Land Trust Commission, Ancestral Lands Commission, Guam Election Commission and the Hagatna Restoration and Redevelopment Authority and Revenue and Tax is thinking over their Real Property Division as possibly being a tenant in there. With the proposed building being 6 floors and if you don't go over 6 floors you don't have to go through the Guam Land Use Commission to build anything further on it. So at least for the Land Management part of the building on that property that is still a go. Ground breaking was supposed to be October 2007 that has gone and they are now looking at ground breaking on October 2008. The application for USDA funding has already been completed. We've already met with USDA and it would be something similar to the way the court house was built. Traffic tickets pay for the mortgage on it I believe that was 15 million over so many years. Each floor by the way is averaging about a million a floor. Land Management is looking at borrowing approximately anywhere from 8 to 12 million dollars. They want to build a state of the art building and they want to plan for the future. There is no more vacant government land in Hagatna other than that big lot there.

Commissioner Matanane commented and so does the Chamorro Land Trust.



The Administrative Director commented and also Chamorro Land Trust will be expanding there but also because we're looking at also furnishing it. Not just having a new building and scrounging for navy surplus furniture. When they build the building and it goes through we are also looking at furnishing the building.

Commissioner Matanane commented I am curious why the Attorney General is requesting an input on that lot.

Phil Tydingco (AG's office) – It's a pleasure to be here my dad was one of the first Commissioner on this Trust. Just by way of background we probably wouldn't be curious or asking you folks about the status of that except that the previous AG got us kicked out of the court building. He got us evicted and the current home that we live in the lease he negotiated there we can be kicked out with 30 days notice. We've been told that the owners are trying to sell the building so every 30 days we get anxious. It's come to our attention that GHURA may not proceed or may decide and we don't know officially yet they may not go forward with their plans for that other part of the property over there and we have also looked at our rental income. We're paying between 350,000 a year or so for rent right now and that could still go up if we get kicked out. So we're inquiring respectfully on the status of that if GHURA decided to forego it because they really need fee simple to own it and they actually have property in Asan then we'd like to be considered for that because we are also making applications for grants and we've been told that we are eligible by the USDA for a grant for building ourselves a place. I believe that the portion of the property if GHURA doesn't use it it's more than sufficient for our needs. We're about roughly the same size as the other half in terms of use of space. We use about 6 floors of the Pedro's Plaza already so we'd just like to be considered for that.

The Administrative Director commented Pedro's is about a quarter acre.

Commissioner Matanane commented I thought that building has been purchased.

Mr. Tydingco commented no, it should have been purchased. When I was at GPD we offered to purchase it back in 93 but it never happened.

Chairman Pro-Tem commented if you were to build there then you would be building about 2-3 floors.

Mr. Tydingco commented probably we wouldn't max more than 5 again it depends on the A&E, the design right. If we would develop there we would be neighbors so I think there would have to be some kind of access to each side because they all would be involving public agencies. If it's the same design that he is talking about 12,000 per floor so we use about 20,000 I think.

Chairman Pro-Tem commented because if the Land Management building was to go up there and everything and its 6 floors and Land Management, the Chamorro Land Trust, Ancestral Lands, Election Commission now those are 5 government agencies there. The flow of traffic is going to be tremendous, parking situations and so forth. You would be building side by side on that corner lot.



Mr. Tydingco commented I think if I recollect the map I think it's the mountain side is where the Land Management is at.

Chairman Pro-Tem commented but still what I'm saying there is you have that traffic congestion and you also have Julaje across the street so you actually barricade in that. Right now it's okay because everybody has their parking lot but once these government agencies everybody is going to be flocking everyday for Land Management, permits and Election Commission and so forth.

The Administrative Director commented actually in that area because of the flood designation which is not a serious one the first floor of that structure has to be open which would double as the parking area and the Land Management has already drawn a footprint of the lot. There is a 4 storey parking garage that is planned for the site. Even now with the AG's office when you pass by there it gets kind of crowded.

Chairman Pro-Tem commented I'm just picturing this because if you were down another block from where it is then you're okay. So I think this is one aspect that you guys have to look at because if these buildings were to go up like you said the 6 storey building, 72,000 square feet you can imagine just the employee section there and then you have the daily activities for the other agencies.

Mr. Tydingco commented like the way court property is congested.

Chairman Pro-Tem commented I know you guys would rather want to be in Agana but the congested portion of that is where it is going to create.

Mr. Tydingco commented that is an excellent point and I guess the way to address that is of course it's going to cost extra money is the parking structure.

Chairman Pro-Tem commented that is what I'm saying when you decide to build that building then you would have to perhaps build maybe 2 or 3 more floors for your parking.

Mr. Tydingco commented our thought was any A&E would have to factor that in because even presently the public has a difficult time getting into our office because we have no parking. The employees take it all up along the streets.

Chairman Pro-Tem commented I just want to bring that to your attention to look into that. If GHURA just decides not to take it we will definitely give you guys the opportunity.

Mr. Tydingco commented even if we get evicted we're saying that we have to get a place where's there's parking. We respectfully ask that if GHURA declines that we be considered next in line for our application.

Chairman Pro-Tem commented the reason why I say that is because if you're contemplating building a 5 million dollar add another 5 million to the building for parking.

Mr. Tydingco commented you're right.



The Administrative Director commented he will write the letter to GHURA on their response. Also it might be good like you said the legislature has the last word to maybe check with our oversight chair to let them know at least that there are other agencies interested.

## **VI. ADVISORY and ADMINISTRATIVE MATTERS**

### **Financial report / Commercial Division**

The Administrative Director commented on the financial report we have received from our leases and licenses so far as of December 31, 2007, \$123,000. We're tracking those less, we should be bringing in \$140,000 maybe it's the holiday season but we're about \$20,000 short in tracking for our income. Then of course the second part of the report is the expenditures these are the ones from the special funds that have gone out. In the Bank of Guam accounts we have of course the \$300,000 Bank of Guam TCD and the \$200,000 time certificate of deposit that has gained interest of \$3,100 so far and that money can be put into the other account. In our checking account we began the month of November with a balance of \$239,000 we had 8 checks go out and we now have a balance in that account of \$228,000. The financial report basically is made up of money we received from our commercial licenses. We have made several successful efforts to beef up our commercial section. Our Planner IV Kimbo Lujan has been on leave since February of last year and the commercial division has actually been taken over at least for inventory purposes by Terese. We're getting a lot of data coming in but also we have some information and data coming in that are very troubling. For example, we've discovered about another 5 licensees that have never paid anything at all on properties that they are using. Secondly, we've discovered two people that have built substantial commercial operations and may be subleasing the property and we don't have any records of them ever having a license. The gentleman that came to see me gave me a license that I could tell was not prepared by our office. It cited that the license was approved on this date at a meeting. We checked and there was no meeting held on that date. The people whose names are on that license were not working at the Commission as of that date. So there is already a problem because they typed out for example the name of the employee but during that time where the license was supposed to be approved that person was not working for Chamorro Land Trust. So it's a little bit very suspicious and I again would like to see the Attorney General's office possibly in another couple of weeks as we develop that thing so far. Maybe we lost the file but I can't find the file and neither can the staff. The references that were made to meetings that were none existent that were made to employees that were not working at the Land Trust at that time is a little bit off and I can tell by the document, the print and the font that it was not done by our office because we don't use that type of lettering.

Chairman Pro-Tem commented if they are altering that contract or lease or whatever they are signing out that's not business on their part because they are defaulting the government. If they haven't paid for all those years I think we send that direction to the AG and to the legal counsel.

The Administrative Director commented as soon as Mr. Aguigiu is back I need to schedule a meeting with him on two items. One is this item because there are two issues you can do here, you can file a civil case on behalf of the Commission for them not paying and then the AG's office can file a criminal case against them for defrauding the government in addition to that we are going to need legal counsel's help on that. Legal counsel would



possibly file the civil case and maybe the Attorney General's office can file the criminal case. Then of course this will all go to evictions at least if not evictions then collections of the overdue amounts on those.

Commissioner Matanane commented I suggest that for the ones that have not been paying their monthly rent we should give them a first notice, second notice and then third notice that it be presented over to the Commission to make a decision on that whether we should terminate it or what.

The Administrative Director commented it's follow up action that we need for example for the International Shooting Center, we've terminated that license because they have never paid and then now the Commission stands ready to review the applications made for that property.

Chairman Pro-Tem inquired on where to we stand on that.

The Administrative Director commented we've cleared that already. There has been no response on that from them. The time has already lapsed so that commercial license has lapsed. Now the Commission and legal counsel can review and make a decision whether they want to go and sue the guy for the back rent or continue forward with a new licensee for the property. We have two applicants waiting for that or that applied. One is Hawaiian Rock and the other is the Outdoor Shooting Range. So that is still kind of like unfinished business because the Commission wanted to clear the status of the property so that it could license it out. Legal Counsel will confirm that at the next meeting.

Chairman Pro-Tem commented that in the mean time let's just submit for the licensees that are applying for that.

The Administrative Director commented and that would be the similar process that we would use for those people who have not paid on that. Like I said again the Commission's weakest point is that commercial division staffing. The one person that's handling that the Planner IV has been on long medical leave since February and Terese is handling that. We did meet with BBMR because we would need to recruit and hire a new position a new person for that commercial division because last year we have approximately \$180,000 that the Commission did not spend. We saved \$180,000 because one employee resigned at the beginning of the year, another one only worked for half the year and then we collected more than what we projected. We were projecting at collecting \$497,000 and we collected \$620,000. We have you might say a net profit of \$180,000. BBMR and the Governor's Office is going to allow us to increase our budget and they will hold a 20% reserve because like I said right now we are tracking less than what we have to make sure that we have enough money at the end of the year. We're looking at hiring one new person to audit the commercial licenses so we can start bringing in more money. We would be able to hire one new person that's when those letters go out, that's when we get new licenses and hopefully correct some of these problems that we have with non payment and non documentation.

Commissioner Matanane commented I would suggest that you get somebody to take care of that commercial area because for one person it's too much at least 2.



The Administrative Director commented we should be advertising I assume probably the last week of February for the position.

### **Office move**

Chairman Pro-Tem inquired on what is the status of the movement.

The Administrative Director commented we met with the landlord about a week ago and it's committed as long as we are going to commit with a two year lease with an option of one to three years she will maintain the exact rent amount. She will not increase the rent amount and because we are going to commit to maybe a 2 or 3 year lease here depending on the request we make they will do the remodeling of the office space. We'd give it of course a reasonable limit but she is willing to take all the requests. The staff is developing now the floor plan beginning with the computer server. I believe we met already with our computer guy and they made the final decision and then we are going to work around there. This (current GALC office) is the space we will have, it will increase our office space about twice what we have now. But the rent per square foot remains the same.

Chairman Pro-Tem commented that is good actually we gained.

The Administrative Director commented we are going to need to be here at least two years while the new building is being built and we don't want to move every year. So if they can commit at keeping the rent at the same level we'd like to stay here for at least 2 years hopefully no longer than 2 so by the end of 2 years that building will be done and then we can move down there. They are willing to do the remodeling given reasonable limits which we will be submitting to them.

Acting Commissioner Gumataotao inquired if we've had any problems lately of when the lots are issued that there is already a tenant on that current lot and how can we avoid that.

The Administrative Director commented I would say we have about 10 of those problems now. Some of them are very serious especially the one down in Agat and we have a couple up in Dededo. How can we avoid that? Hopefully what we did when I started coming in previously when you would have one subdivision all the different land agents could place people in that subdivision.

Acting Commissioner Gumataotao inquired if there is communication between the land agents.

The Administrative Director commented that is where the problem is because there is no communication. What we did now is that on these new subdivisions or portions of subdivisions one land agent is in charged in placing everybody in that subdivision. So if there is a double assignment there shouldn't be because there is just one person doing it. However, we have several of our previous problems that are catching us up now. One particular hot one is the Florentina Salas/Albert Aguon in Agat. We have the Lourdes Lin/Angel Santos in Dededo although that is kind of like a different matter. We do have and I believe the one that is surfacing that is real bad is in Agat. I think we have 4 or 5 double assignments in there. Normally, what that problem is for example in that Agat one the Aguon family had a land use permit and according to the rules and regulations they



shouldn't be evicted but they've been given authorization since 2003 to survey their lot and they haven't surveyed it. In comes Florentina Salas who applied, her turn, and a lot assignment was given to her. Of course when we do a lot assignment we are not exact because we are not a surveyor but when the surveyor went out there and surveyed the lot Mr. Aguon claims that the one acre for Florentina or half is in their land use permit lot which is not true because they never had the survey. But they're claiming that because they were under the land use permit they should be there. In that particular case to begin with the Aguons were on the wrong lot according to their permit. Number two we had given them authorizations in 2003 to survey their lot and up till now I don't think they have gotten a surveyor whereas with Florentina she was next in line, she went got her surveyor and they surveyed it.

Acting Commissioner Gumataotao inquired if this is in Pagachao.

The Administrative Director commented no this is in Santa Ana. With Pagachao and Umang the problems in that area is not all the lots were good. That was a table top survey some of the lots have bad access roads some are near the river and like that. The hottest one now in terms by hot I mean the threat of physical violence is the one in Agat. There is no excuse for physical violence nobody is ever right in physical violence.

Acting Commissioner Gumataotao inquired on how is the standard operating procedures coming along.

The Administrative Director commented we have two standard operating procedures that we are doing. We've completed the emergency operating procedure and the standard one we are developing that's the tough one. The other issue I think that you should take a look as a Commission is the commercial leasing rules and regulations. Staff has redrafted it and we'll give it out to you maybe next week. Right now you can only do the commercial license for 21 years and legal counsel is saying maybe that's good maybe that's bad. But the law allows you to do commercial leasing provided you do the rules and regulations. We have the draft on that and the legislature is also asking for the commercial leasing. You see we're getting a lot of criticism on commercial licenses. Some people are saying private business should not get any leases from the Land Trust but the law does allow for commercial license but it also allows for commercial leases provided you do the rules and regs. Don't forget that's where we get our bread and butter, that pays for the operations and salaries.

Chairman Pro-Tem commented even if they had a 20 year commercial license, lease whatever they have the option of renewing within that business. I would rather stick on a 20 year base because if a commercial business does go down in 10 years idling that land he's got the option up to 20 years but if he's not going to use it after 20 years of course the option for him is still his option but he has to make some sort of improvement or continue whatever commercial that he is on and of course that he can't sublease for that matter to anyone else but only for his business.

Commissioner Matanane suggested that Mr. Borja expedite the hiring of another individual.



The Administrative Director commented in addition to hiring I'm still looking at stealing a couple of employees from other agencies. But if we get that we hire that employee I don't know what it's going to cost for the position maybe \$30,000 to \$40,000. I think in that very first year of work we'll probably get a return of maybe \$160,000 from the work that they will do. There is that potential because there's that much out there I think that we haven't gotten.

Chairman Pro-Tem commented if that is what its worth for us to get our monthly payment up to date to hire someone in that statute where he or she gets that job I think in reality its worth paying that individual. Keep in mind it also applies to the in-house employees, its not only just an outsider in fact we should give the employees the first hand at it and if they can produce 3 or 4 times that is great because its income coming to the Chamorro Land Trust and then this way we can project a lot of our projects. Where we can be putting infrastructure or waterlines for that matter and that will tremendously help us out. I honestly feel that if we get this thing on the right track we can hit anywhere between \$800,000 to \$900,000 maybe more. We're still in good shape but we can be in better shape.

**VII. EXECUTIVE SESSION** – None.

**VIII. ADJOURNMENT** – Meeting adjourned at 3:32pm.



